

APPROVED: Meeting No. 22-83

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 17-83

May 23, 1983

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, May 23, 1983, at 8:00 p.m.

PRESENT

Mayor John R. Freeland

Councilman Douglas Duncan

Councilwoman Viola Hovsepan

Councilman John Tyner, II

ABSENT

Councilman Steve Abrams
(travel leave)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan;
City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The concerns of the residents of North Farm which were expressed to the Council for the past few weeks have been examined by members of the staff and a report is almost ready to be forwarded to the Mayor and Council. As soon as the draft is completed, it will be distributed to the members of the North Farm community.

Councilman Tyner noted his appreciation to the staff for the quick action taken when there was a sewer and water back up for an elderly citizen in his neighborhood. He said the staff acted well and promptly. Mayor Freeland noted, for the record, that Councilman Abrams is in Central America on travel leave.

Mayor Freeland briefed those present on his visit to Pinneberg, Rockville's Sister City, for 20 hours last week. He conveyed the thoughts of the Sister City task force and expects an official visit from Pinneberg here to the City of Rockville in October.

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Re: Proclamation - Memorial
Poppy Day - May 30, 1983

Proclamation No. 7-83

There being no objection from the Council, the Mayor proceeded to issue Proclamation No. 7-83, proclaiming May 30, 1983, at Memorial Poppy Day in the City of Rockville. Councilman Tyner read the proclamation at the request of the Mayor in which it was urged that all citizens participate in this commemoration to demonstrate their faith in the men and women who have died in the cause of liberty and justice through the years.

Re: Introduction of
Ordinance: To grant Street
Closing & Abandonment
Application

On motion of Councilman Tyner, there was introduced upon the table an ordinance granting Street Closing Application, SCA-43-83, said ordinance to lay over at least one week before final action is taken.

Re: Resolution: To
Deny Text Amendment
Application, T-55-83,
Rockville Pike Joint
Venture, Applicant.

Resolution No. 13-83

On motion of Councilwoman Hovsepian, duly seconded and passed by unanimous vote of all present, Resolution No. 13-83, the full text of which can be found in Resolution Book No. 7 of the Mayor and Council, denying Text Amendment Application, T-55-83, Rockville Pike Joint Venture, Applicant, was adopted by the Mayor and Council.

Re: Approval of proposal
to use taxi cabs to
supplement transportation
for seniors

The transportation provided to seniors for their daily activities has been adversely affected by being unable to maintain a reasonable schedule and the escalating costs of operation. The difficulty in scheduling can be attributed to wait-time at several pickup points and delays in services caused by bus breakdowns or emergencies. The rising cost of buses and the wages paid part-time drivers (\$5.50 per hour) has been escalating.

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Staff has looked at ways to provide a better level of service at a reduced or comparable cost. The inefficiencies of the current system necessitate the revision of our transportation procedures.

Complaints lodged by seniors indicates that they are forced to remain on the bus too long and that those near the middle and the end of the pickup scheduled have to wait longer than should be necessary. Records indicate that the buses are out of service 25% of the time for maintenance. It is not cost effective to operate the large 46 passenger bus without a full or three-quarter capacity.

The Taxicab Proposal is an effort to reduce the frustrations of seniors, to control the escalating costs and the general improvement of services.

The City Manager said there should be an off set on costs but the exact amount is not known at this time until the number of trips and the length are documented. This does not involve an extra expenditure. The budget can remain at the same level but there should be a savings in time. Jan Brown, Chairman of the Senior Citizens Commission, expressed the Commission's approval of the program. She told the Mayor and Council that the Commission is quite pleased with the 1984 fiscal year budget and she is providing a letter for the record on the budget stating that fact. Councilman Tyner asked if he could be shown a map of the service area. Mr. Drayton showed a map to the Council pointing out the pick up points. The Council discussed the routing and scheduling. Mayor Freeland said it seems to be an excellent plan and he hoped it accomplishes its objective and provides better service to the seniors.

On motion of Councilman Duncan and passed by unanimous vote of all present, the taxi cab proposal was approved by the Council.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Robert Jacques. Mr. Jacques told the Mayor and Council that the Courthouse Square roadway could be a problem with through traffic and he suggested that they look at it closely and consider not allowing the vehicles to go through. Mayor Freeland said when the original study was done a need for circulation was seen and it is possible to mix auto and pedestrians in various parts of the world. At the moment, the roadway is on trial and after a suitable time a decision will be made.

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Mr. Jacques complimented the City's trash removal crews and said they do an excellent job, as witnessed last Saturday in the very bad weather as they do in good weather. He said it is a very important service in the City and it is done well.

2. Jeryl Gegan, Rockville Housing Authority. Mr. Gegan read to the Council a resolution passed by the Housing Authority at their last meeting concerning the Summit Apartments. The resolution states that the Housing Authority will take no action until the Mayor and Council have had an opportunity to make a recommendation. Mr. Gegan added that other resolutions were passed at this meeting, most importantly, beginning in May the minutes will be forwarded to the Mayor and Council regularly and for a two-month period the Housing Authority will meet on Wednesdays. In this way they can take advantage of the Mayor and Council's meeting and the Council can attend their meetings. The annual report will be ready some time this summer and the Housing Authority, at that time, will request a work session with the Mayor and Council. The Mayor thanked Mr. Gegan and asked that his thanks and the thanks of the Council be passed on to the Housing Authority.

3. Gilman Grave, 14 West Argyle Street. Mr. Grave brought to the Council's attention a near tragic accident that occurred on his street when he was almost hit by a truck last week. He stressed the need for police surveillance of the area on speeding vehicles and asked that the street be blocked. He said action is needed now. Mayor Freeland said the staff's recommendation had been forwarded to the Mayor and Council and the problem was recognized. The City Manager added that the Traffic and Transportation Commission had recommended an alternative of a one-way entrance; however, action was delayed until the neighborhood planning group has completed its work and made recommendations. He said it would be difficult to install anything prior to the plan being adopted since Argyle Street is a major means of travel through the Stoneridge area to Falls Road, in addition to those people who use it as a short cut to Wintergreen. The plan is due in the next 60 days. Councilman Tyner suggested an interim arrangement be done since it is a matter of urgency. The Mayor agreed as did the Council and the City Manager was instructed to contact the people on Argyle Street and advise them that the City will be making this street one-way to improve traffic safety. When the plan is approved by the neighborhood advisory group, permanent changes will be considered. Councilwoman Hovsepien suggested the school buses be notified

immediately. The Mayor agreed and said that the police should still monitor the area closely. He asked the City Manager how long before Council's instructions will be implemented. The City Manager said two weeks.

4. Paul Chod, 410 Green Pasture Drive. Mr. Chod asked when the North Farm community can have a copy of the report referred to by the City Manager early this evening. The City Manager said it might be ready tomorrow. Mr. Chod explained that time is a problem now because the residents are hoping to get on with the process and circumvent litigation. There is no complaint with the City of Rockville. The neighborhood is only looking for assistance. The Mayor assured Mr. Chod that the Mayor and Council will be happy to use its good offices to assist the neighborhood. Mr. Chod told the Council that he, too, would like to add his voice to compliment the trash removal service and he would like to add snow removal and the recreation facilities.

5. William Allen. Mr. Allen asked if the City Manager's report would include information from the Community Development office. The City Manager said it would.

6. Joseph Zetts, 121 Ritchie Parkway. Mr. Zetts complained to the Mayor and Council about activities in the 7-11 parking lot which abuts his residents. The business is opened 24 hours a day causing problems around the clock. One problem is trash collection which goes on at approximately 3:00 a.m. The Council discussed this with Mr. Zetts. Councilwoman Hovsepian suggested that an ordinance be prepared that would apply to trash companies, prohibiting their collection at those hours, which would assist the staff who now only have the noise ordinance as a tool. The Mayor asked the City Manager to speak to the owners of the 7-11 and report what the problems are and to see if something can be worked out.

7. Mr. Clyde Haven. Mr. Haven addressed the Mayor and Council concerning the redevelopment of the Maryvale school site and explained that although the City's goal is admirable, as a developer he sees serious problems with the concept. He went on and outlined all of the problems that occur on that site. It was the consensus of the Council after further discussion with Mr. Haven that the entire process needs to be reviewed. The City Manager said the staff would contact those contractors who have picked up information and delay the process until there has been an opportunity to examine all acceptable alternatives to both the July 1 date and the limits as set forth in the proposal.

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There being no other citizen wishing to be heard, the Mayor closed the citizens' forum portion of the meeting.

Re: Introduction of Ordinance:
To levy assessments for
driveway aprons, various
locations, Project #020112

On motion of Councilman Tyner, there was introduced upon the table, an ordinance to levy assessments for driveway aprons, said ordinance to lay over at least one week before final action is taken.

Re: Introduction of Ordinance:
To levy assessments for
water and sewer main and
laterals in Fallsmead
Subdivision (Plat 13844)

On motion of Councilman Duncan, there was introduced upon the table, an ordinance to levy assessments for water and sewer main and laterals in the Fallsmead subdivision, said ordinance to lay over at least one week before final action is taken.

Re: Award of Contract: Bid
No. 23-83, Emergency
Generator

Invitation for Bid No. 23-83 was issued for the purchase of a 155 KW Diesel Driven Standby Electric Power System and automatic Transfer Switch along with an Electric Generating Set Alarm Annunciator for the Rockville City Hall. Bids were opened on Thursday, April 28, 1983, at 4:00 p.m. in the Mayor and Council Chamber.

The following bids were received:

Whiskey Ridge Electric	\$50,932.00
Merical Electrical Contractors, Inc.	52,921.00
BCM Corporation	58,200.00
James R. Harris, Inc.	59,541.00
Kennedy Electric, Inc.	59,991.00
Electrical Maintenance & Construction Corp.	60,400.00
Crum Electric Co., Inc.	60,600.00
Fleetwood Testing Co.	67,681.00
Satellite, Inc.	94,414.00

Whiskey Ridge Electric has been in business in the area for over 50 years. The company has an excellent business reputation well known to the Department of License and Inspection. In accordance with the above-cited information, the staff recommends award to Whiskey Ridge Electric in the amount of \$50,932.00. The budgeted amount for the requirement was \$70,000.00.

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On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, Bid No. 23-83, Emergency Generator was awarded to Whiskey Ridge Electric, the low bidder in the amount of \$50,932.00.

Re: Review of testimony
for public hearing on site
for County regional indoor
pool

With the use of a map, the Director of Recreation and Parks briefed the Mayor and Council on the alternative locations. The County is considering placement of the regional pool. The Mayor spoke out strongly saying the County has shown no concrete evidence of why the pool should be placed in any one of these locations since this down County area has much less need than other parts of the County and it would seem more reasonable to go north for a location site. He asked that a letter be sent to the County Executive and the County Council expressing the Mayor and Council's strong objection to the location, not the facility. He added that the City supports the idea and the concept but sees no justification for this location.

On motion of Councilman Duncan and passed, by unanimous vote of all present, the testimony was approved to include a letter from the City.

Re: Adoption of Ordinance:
To Grant Text Amendment
Application T-54-82,
Burgundy Park Associates,
Inc., Applicant

Ordinance No. 15-83

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the ordinance was amended in Section 1-201(d)(1) to include "originally". Councilman Tyner noted this amendment involves the process only and addresses only one parcel. It does not prejudice or precondition further action. He asked if the County has addressed the questions asked by the City on what action the County would take to close a loop hole. Mr. Davis said no response has been received as yet.

On motion of Councilwoman Hovsepien, duly seconded and passed, Ordinance No. 15-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, granting Text Amendment Application, T-54-82, was adopted, as amended, Mayor Freeland and Councilmembers Hovsepien and Tyner voting aye and Councilman Duncan voting nay.

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Re: Adoption of Ordinance:
 To Authorize the borrowing
 of \$79,000 to finance
 certain computer and office
 equipment

Ordinance No. 16-83

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the ordinance was amended to reflect the change on page 3 suggested by Bond Counsel, adding language, "and the interest on the notes".

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 16-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council authorizing the borrowing of \$79,000 to finance certain computer and office equipment was adopted by the Mayor and Council as amended.

Re: Adoption of Ordinance:
 To authorize the issuance
 of general obligation bonds
 of the Mayor and Council of
 Rockville in an amount not
 to exceed \$14,000,000.00

Ordinance No. 17-83

Mr. Lawton, the Finance Director, introduced Stewart Diana of Piper and Marbury. He told the Council that the committee on the bond issue has met. The analyst it has approved is Alex Brown who will be assisted by Baker Watts, & Co., and Legg, Mason, Wood & Walker, Inc. The bond market is not good right now but the City has the option of going out to bid or not.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 17-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council, authorizing the issuance of general obligation bonds, was adopted by the Mayor and Council.

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Re: Adoption of Ordinance:
 To amend Section 12-1.18B
 of Chapter 12 of the "Laws
 of Rockville", to reduce
 the time period in which
 a purchaser may terminate
 a contract following notifi-
 cation of special assessment
 from the present 10 days to
 24 hours

Ordinance No. 18-83

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the ordinance was amended to clarify when timing starts, with the language as suggested by the staff.

Councilman Duncan moved, duly seconded that the time be changed to 72 hours from the 24 hour amendment that is now suggested. Councilman Duncan spoke to his amendment pointing out how helpful the time delay is and sometimes essential for people making a decision on a home. Joan Hatfield of Montgomery County Board of Realtors addressed the Council saying that the Board would prefer the 24 hours since the lending application process cannot start until the contract is finally signed. The Mayor and Council discussed the merits of both amendments at length. It was finally agreed by the Council that the 72 hours would be more helpful to a home purchaser and the City pledged its assistance in getting the information to the realtors as quickly as possible. Councilman Duncan's amendment to 72 hours passed unanimously.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, Ordinance No. 18-83, the full text of which can be found in Ordinance Book No. 11 of the Mayor and Council reducing the time period as outlined in Section 12-1.18B of Chapter 12, was adopted by the Council as amended.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Burgundy Knolls Neighborhood Alliance, re land exchange
2. R. DiPietro, MML, re Legislative Action Request
3. J. Burell, MML, re Insurance Program
4. Helen J. Jones, re driveway apron
5. Joann Mazzetta, HRC, re Summit Apts. proposal
6. Delegate Robertson, re SB 551 and HB 1277

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7. S. Albersheim, Glenora Hills Citizen Association, re Rt. 28 development
Councilman Tyner suggested that the staff monitor this closely.
8. Del. Gordon, re appointment recommendation

Re: Information Items

1. Project Report from CDHA
2. Montgomery College Parking Study

Mayor Freeland said that the Council has received correspondence on this from the neighborhood and it seems the residents are reacting prior to the Mayor and Council having reviewed it. He suggested that no response be made until such time as the report can be reviewed.

3. Historic Preservation Action Program
4. Copy of letter re proposed development from New Mark Homeowners Assoc.
5. Memo re ballfield maintenance at Lone Oak School
6. Memo re 6-month permits at Civic Center
7. Rockville Housing Authority resolution re Summit Apartments
8. Memo re Rockville Pike Corridor Plan

Re: New Business

1. Councilwoman Hovsepien asked for clarification on the Maryvale situation. She asked if a vote is necessary to delay the time table. Possibly, the task force should work with Maryvale citizens but it is difficult to do so until there are some concrete ideas. Mayor Freeland suggested it would be a good idea to go out with a blank sheet and broad goals and ask for perception. He asked that people be notified to hold tight because more information is needed for the job to be done well. Councilman Tyner agreed and suggested that the entire process be approached with caution.

2. City Attorney Glasgow said that when the ordinance was adopted this evening granting Text Amendment Application, T-54-82, there should have been a resolution with it on a fee schedule for filing of application. Mr. Glasgow said although he did not have any papers before him, staff has suggested \$400. Councilman Tyner suggested \$1,000. Mayor Freeland said there should be two fees, one for commercial areas and one for residential. It was the consensus of the Council to accept the fee of \$1,000 from any applicant at this time and after the resolution is adopted at a fixed fee, a refund can be done if necessary.

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Re: Executive Session

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the meeting was closed for executive session to discuss litigation.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 10:45 p.m. to convene again in general session for public hearing on Tuesday, May 24, 1983, at 8:00 p.m. or at the call of the Mayor.